

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:18-00292

MASON LAVIRO SCRAGG

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 25, 2023, the United States of America appeared by Lesley Shamblin, Assistant United States Attorney, and the defendant, Mason Laviro Scragg, appeared in person and by his counsel, Rachel Zimarowski, Assistant Federal Public Defender, for a hearing on the petition filed on September 1, 2022, held in abeyance by Order entered on November 15, 2022, and on the amendment to petition filed on January 4, 2023, seeking revocation of supervised release, the amendment having been submitted by Supervisory United States Probation Officer Lilla M. Adkins. The defendant commenced a three-year term of supervised release in this action on March 9, 2022, as more fully set forth in the Judgment in a Criminal Case entered by the court on June 20, 2019, and modified by the court's Order entered on November 15, 2022.

The court, having made findings by a preponderance of the evidence, that the defendant had violated the conditions of supervised release as more fully set forth in the petition and the court's order of November 15, 2022, held the petition in abeyance to allow the defendant to be placed at the Community Assessment and Treatment program at Cleveland, Ohio, for at least 60-days and follow all of the program rules and requirements, after which the defendant may be placed in and complete a long-term residential substance treatment program for up to 12 months.

The court heard the admissions of the defendant and the representations and argument of counsel in regard to the amendment to petition. The court notes, and the parties agree, that the Amendment to Petition contains a clerical error inasmuch as in Violation Number 5 the date of January 4, 2022, stated twice, should read each time as January 4, 2023.

For reasons noted on the record of this proceeding, and the findings of the November 15, 2022, Order, which are both ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following additional

respects: (1) on November 15, 2022, an additional term of supervised release was imposed that the defendant be immediately placed at the Community Assessment and Treatment, Cleveland Ohio, where he shall remain and participate in the Community Assessment and Treatment program for at least sixty (60) days, and follow all of the program rules and requirements, and, on January 4, 2023, the defendant was discharged from the program for failing to abide by the program rules and requirements; all as admitted on the record of the hearing by the defendant and all as set forth in the amended petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations of the petition and amended petition warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

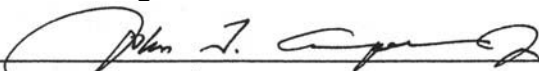
And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth

in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS and ONE (1) DAY, followed by a TWENTY-FOUR (24) MONTHS less ONE (1) DAY term of supervised release imposed on the same conditions as heretofore excluding the condition that the defendant participate in the Community Assessment and Treatment program for at least sixty (60 days), and excluding placement and successful completion of a long-term residential substance treatment program for up to 12 months, as more fully set forth in the November 15, 2022, Order at page 3, paragraph numbered 1.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 31, 2023



John T. Copenhaver, Jr.
Senior United States District Judge